

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

YVONNE L. WHITE, and ROSCOE NIXON,  
Individually and as Wife and Husband;

Plaintiffs,

vs.

DR. TAMARA HLAVATY, Individually; DR.  
JEFFREY BURWELL, Individually; P.A.  
CHRISTOPHER LINKE, Individually; THE  
PHYSICIAN NETWORK, A Nebraska Non-  
profit Corporation; GRAND ISLAND  
RADIOLOGY ASSOCIATES, P.C., d/b/a  
HEARTLAND RADIOLOGY, A Nebraska  
Corporation; and ST. FRANCIS MEDICAL  
CENTER, d/b/a CHI HEALTH ST. FRANCIS,  
A Non-profit Corporation doing business in  
Nebraska;

Defendants.

**8:20CV207**

**ORDER**

This matter is before the court upon the notice of death of Defendant, Dr. Tamara Hlavaty. ([Filing No. 45](#)). In accordance with Fed. R. Civ. P. 25(a)(1), the decedent's successor or representative, or any party, must move for substitution of the deceased party within 90-days after the suggestion of death is filed. The notice of death was filed on August 3, 2021. Upon the suggestion of death ([Filing No. 45](#)),

**IT IS ORDERED:**

1. This case is stayed until **November 1, 2021**, pending a determination of whether the decedent's claims will be revived and further litigated by Dr. Hlavaty's estate.
2. On or before **November 1, 2021**, Dr. Hlavaty's counsel shall either: 1) move to dismiss the action against Dr. Hlavaty; 2) file a motion to substitute Dr. Hlavaty's estate or personal representative as the named Defendant in this action; or, 3) file a report advising the court as to whether Dr. Hlavaty's estate intends to further litigate this action and the current status of any court proceedings (state or bankruptcy) underway that may impact the progression of this case.
3. Absent timely compliance with this order, the claims against the decedent may be subject to default pursuant to Fed. R. Civ. P. 25(a)(1).
4. The clerk shall set a case management deadline of **November 1, 2021** to confirm compliance with this order.

Dated this 3<sup>rd</sup> day of August, 2021.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge